

IN RE: PETITION FOR ZONING VARIANCE
3321 Willoughby Road, 550'3" W
of the c/l of Avondale Road
(14th Election District)
6th Councilmanic District
James G. Thompson, Jr., et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-317-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an existing accessory structure (carport) to be located in the side yard in lieu of the required rear yard with a side yard setback of 20 inches in lieu of the required 2.5 feet, as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. Also appearing on behalf of the Petition were Mr. Mike Shinn, Contractor. Appearing as interested parties were Mrs. Southall and Mr. George Nemphof, nearby property owners. No Protestants appeared at the hearing, however, an adjoining neighbor, Rose Cross, sent in a letter of objection and requested the carport be required to be located in the rear yard.

Testimony indicated that the subject property, known as 3321 Willoughby Road, consists of 3,500 sq.ft. zoned D.R. 5.5 and is currently improved with a single family dwelling. Petitioners testified that approximately four months ago, they had a carport constructed without benefit of a permit. As a result of a complaint filed with this Office, Petitioners were advised that they were in violation of the zoning regulations and a public hearing would be required to determine whether or not the carport could remain in its present location. Petitioners testified the carport provides protection for them and their vehicles from inclement weather and

its location provides easy access to the dwelling. Testimony indicated that due to the layout of existing improvements on the property, undue hardship would result if they were required to relocate the carport. Petitioners believe the present location of the carport is the most practical to meet their needs. Testimony indicated the variance requested, if granted, will not create any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 7th day of February, 1989 that the Petition for Zoning Variance to permit an existing accessory structure (carport) to be located in the side yard in lieu of the required rear yard with a side yard setback of 20 inches in lieu of the required 2.5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-317-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 TO ALLOW AN ACCESSORY STRUCTURE (CARPORT) in a side yard in lieu of the required rear yard with a side setback of 20 inches in lieu of the required 2.5 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) Undue hardship is found due to the completed carport structure being in contrast with the Baltimore County Zoning Law of which a 20" set back from the property side lines is required. To maintain a safe driving width to the entrance way into the carport from the house a set back of 20" is needed. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	James G. Thompson, Jr.
Signature	(Type or Print Name)
Address	Haruko Thompson
City and State	(Type or Print Name)
Attorney for Petitioner:	James G. Thompson, Jr.
(Type or Print Name)	Address
Signature	Baltimore, Maryland
Address	City and State
City and State	Name, address and phone number of legal owner, contact purchaser or representative to be contacted
Attorney's Telephone No:	James G. Thompson, Jr.
	Name
	1321 Willoughby Road 661-6232
	Address
	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 7th day of February, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10th day of Feb., 1989, at 10:30 o'clock A.M.

J. Robert Haines
J. Robert Haines
Zoning Commissioner of Baltimore County.

ZONING DESCRIPTION

Beginning on the southwest side of Willoughby Road 30 feet wide, at the distance of 550 feet 3 inches of the center line of Avondale Road. Being lots 564 - 565, Section B, in the subdivision of Glenhaven. Book No. 7 Folio 62. Also known as 3321 Willoughby Road in the 14th Election District.

Mr. J. Robert Haines
Zoning Commissioner of Baltimore County
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
Case Number: 89-317-A
SWS Willoughby Road, 550,
3" c/l Avondale Road
3321 Willoughby Road
14th Election District
6th Councilmanic
Petitioner: James G. Thompson, Jr., et ux
Hearing Date: Friday, February 10, 1989 at 10:30 A.M.

Dear Mr. Haines,

I have been a resident at 3326 Willoughby Road for the past ten (10) years.

Let it be known that I have reviewed the above petition, and; I am in favor of allowing an accessory structure (carport) in a side yard in lieu of the required rear yard with a side set back of twenty (20) inches in lieu of the required two and one half (2 1/2) feet.

Thank you for your consideration in this matter.

Sincerely,
Gary Burkhardt
Gary Burkhardt

PETITIONER'S EXHIBIT 2A

Mr. Robert Haines
Zoning Commissioner
111 West Chesapeake Avenue
Towson Maryland 21204

Dear Mr. Haines,

This letter is in reference to a zoning variance requested by Jim & Yosh Thompson of 3321 Willoughby Road, Parkville, 21234. The case number is 89-317A.

We would like you to know that we do not object to the carport in terms of the positioning on the property and the appearance or design of the structure. We feel it adds to the appearance of the property because it is a good design and is well built. There are a lot of other structures around the neighborhood that look a lot worse.

Please give every consideration to granting this zoning variance.

Thank you

Sincerely,
John H. Spence
John H. Spence
3322 Willoughby Road
Baltimore, MD. 21234

PETITIONER'S EXHIBIT 2B

Mr. J. Robert Haines
Zoning Commissioner
111 W. Chesapeake Ave.
Towson, Md. 21204

Dear Mr. Haines:

I am writing in support of the variance requested by Jim Thompson of 3321 Willoughby Road, Case #89-317-A.

For the last five years I have lived in the second house to the east of Mr. Thompson's property. I know the Thompsons to be long term residents who value the neighborhood. Their property is well maintained and orderly, and their back yard is a carefully planned, scrupulously kept flower garden.

The carport in question does crowd the property line. However, given the care with which the Thompsons maintain their property and the aesthetic value of their garden, I feel the back yard is best suited to its present use. The garden is certainly more pleasing to look at than an extended driveway. The carport is simply designed and well built, and discretely out of the way.

I support granting the zoning allowing the carport in its present location.

Sincerely,

Matthew T. Sternberg
Matthew T. Sternberg

PETITIONER'S EXHIBIT 2C

Friday, Feb 10, 1989 - Ann

Mr. J. Robert Haines
Zoning Commissioner of Baltimore County
Room 106
111 W. Chesapeake Ave.
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
CASE NUMBER 89-317-A
Address: 3321 Willoughby Rd.
14th District

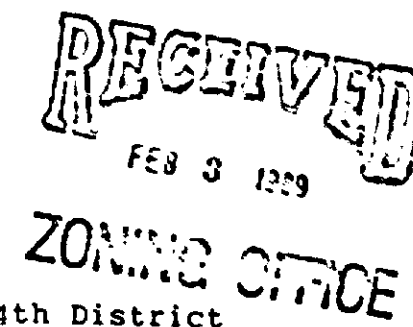
Dear Mr. Haines:

My name is Rose Cross, and I reside at 3319 Willoughby Rd. directly adjacent to Mr. Thompson's carport. The structure in question in case #89-317-A, I strongly object to the location of this carport for the following reasons:

1. This carport is less than 20' from my property line, and is in violation of Baltimore County Building codes.
2. The structure was erected on a Saturday and Sunday when all county facilities were closed.
3. There was no building permit applied for prior to the start of construction.
4. Electricity was installed, again in violation of Baltimore County Building codes with no permit.
5. The carport is directly against my existing split rail fence.
6. The pitch of the roof is so steep that when it rains water runs abundantly onto my property causing a wash out situation on my property. There is a gutter on the structure that does not elevate this problem.
7. This structure is a fire hazard being so close to my home. It is approximately 10' from my dwelling.
8. Stones fly up when the stone base driveway is ridden on causing a safety hazard.

I have lived at 3319 Willoughby Rd. for 32 years and have always believed that Baltimore County government was structured to protect ALL people. I would request that the structure be moved to the rear of the yard per the county's specifications in this district. I believe that the county is correct in requiring that

3319 Willoughby Rd.
Parkville, Maryland 21234
February 1, 1989



the proper place for this structure should be in the back yard, this would not intrude on anyone's privacy or cause any property or safety hazards.

Mr. Thompson is a very fine person and I was surprised to see him perform such a dishonest act. I am also a fine person and have always been fair in my association with my neighbors. In this case I would like to see Baltimore County Government working fairly for ALL people and abide by their regulations as to the correct location of this carport.

Thank you so very much for your consideration in this matter.

Sincerely,

Rose Cross

Rose Cross

cc: Mr. Joseph Chasnoff,
Representative

Mr. Robert Flannigan
Representative

Mr. Robert H. Kittleman
Representative

CERTIFICATE OF PUBLICATION

TOWSON, MD. January 26, 1989.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on January 26, 1989.

NORTHEAST TIMES
THE JEFFERSONIAN.

S. Zeke Olson

Publisher

PO 09015
by HAS212
case 89-317-A
price \$78.60

NOTICE OF HEARING
The Board of Commissioners of Baltimore County, by authority of the Zoning Act, has received a petition for a zoning variance from the owner of the property described herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204, as follows:
Petition for Zoning Variance
Case Number 89-317-A
3321 Willoughby Road, 550' 3" c/l Avondale Road
14th Election District - 6th Councilmanic
Petitioner(s): James G. Thompson, Jr.
Hearing Date: Friday, Feb. 10, 1989 at 10:30 a.m.
Variance: To allow an accessory structure (carport) in a side yard in lieu of the required rear yard with a side setback of 20 inches in lieu of the required 25' in the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain a request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in the office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
31022 Jan 26

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: *14th* Date of Posting: *1/27/89*
Posted for: *Variance*
Petitioner: *James G. Thompson, Jr. et al.*
Location of property: *3321 Willoughby Rd., 550' 3" c/l Avondale Rd.*
Location of Sign: *3321 Willoughby Rd., 550' 3" c/l Avondale Rd.*
Remarks: *See drawing on file for property of J. G. Thompson*
Posted by: *[Signature]* Date of return: *1/27/89*
Number of Signs: *1*

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Date: *1/30/89*



Dennis F. Rasmussen
County Executive

Mr. & Mrs. James G. Thompson, Jr.
3321 Willoughby Road
Baltimore, Maryland 21234

Re: Petition for Zoning Variance
CASE NUMBER: 89-317-A
550' 3" c/l Avondale Road
3321 Willoughby Road
14th Election District - 6th Councilmanic
Petitioner(s): James G. Thompson, Jr., et al.
HEARING SCHEDULED: FRIDAY, FEBRUARY 10, 1989 at 10:30 a.m.

Dear Mr. & Mrs. Thompsons:

Please be advised that \$93.60 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before

BALTIMORE COUNTY, MARYLAND		No. 003080
OFFICE OF FINANCE - REVENUE DIVISION		
MISCELLANEOUS CASH RECEIPT		
DATE: <i>1/30/89</i>	ACCOUNT: <i>494-3333</i>	POST SET(S), there each set not
AMOUNT: \$ <i>93.60</i>		
RECEIVED FROM: <i>James G. Thompson, Jr.</i>		
FOR: <i>Posting & Advertising (89-317-A)</i>		
6 613-*****3333 31 F		
SIGNATURE OF CARRIER: <i>[Signature]</i>		

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

January 12, 1989

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

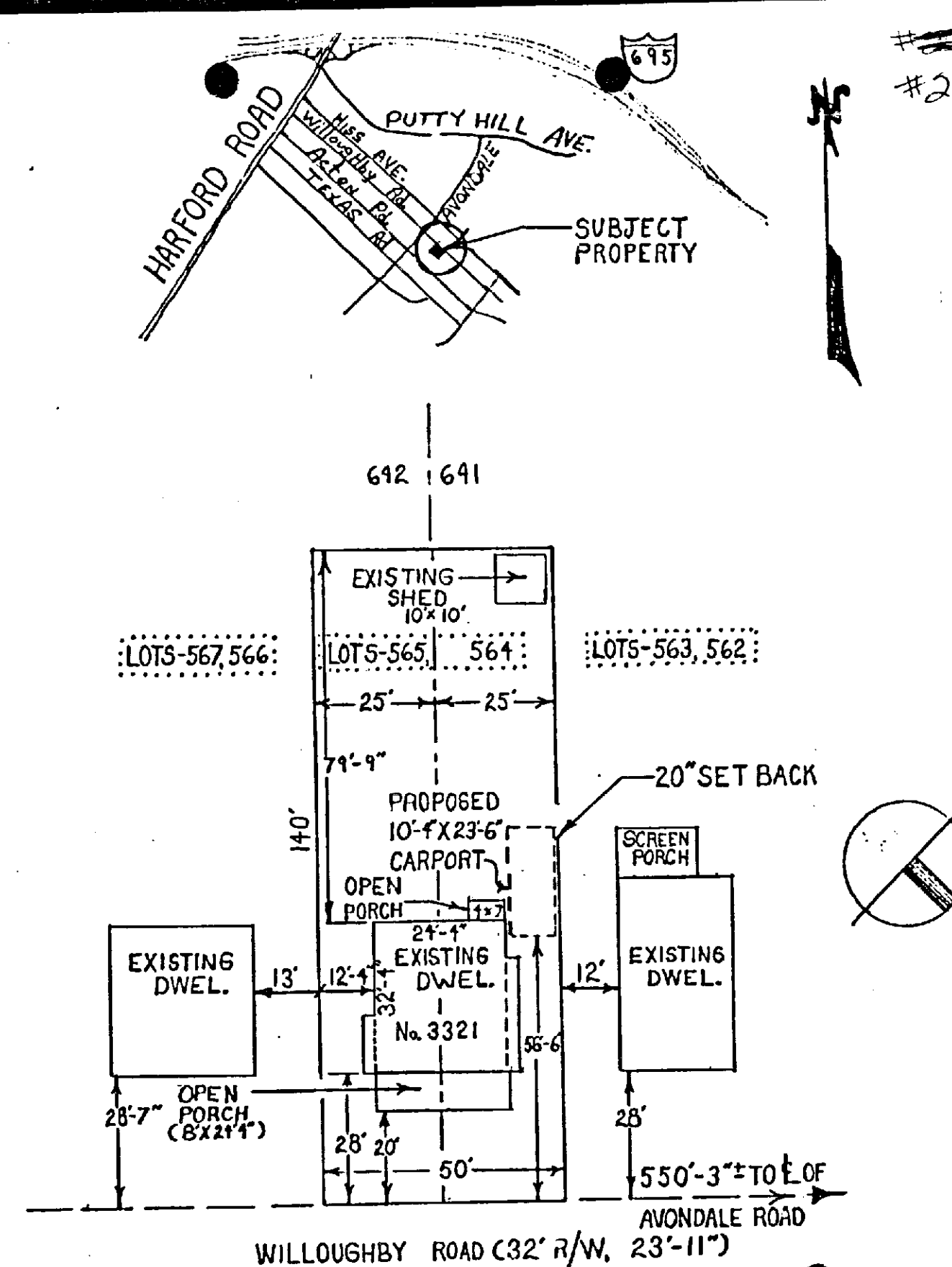
Petition For Zoning Variance
CASE NUMBER: 89-317-A
550' 3" c/l Avondale Road
3321 Willoughby Road
14th Election District - 6th Councilmanic
Petitioner(s): James G. Thompson, Jr., et al.
HEARING SCHEDULED: FRIDAY, FEBRUARY 10, 1989 at 10:30 a.m.

Variance to allow an accessory structure (carport) in a side yard in lieu of the required rear yard with a side setback of 20 inches in lieu of the required 25' ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain a request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of Baltimore County



PLAT FOR ZONING VARIANCE
OWNER - JAMES G. THOMPSON
DISTRICT - 14, ZONED D.R. 5.5
SUBDIVISION - GLENHAVEN
LOTS 564, 565 SECTION "B" BOOK 10, PAGE 62
EXISTING UTILITIES IN WILLOUGHBY ROAD
SCALE: 1"=30'

PETITIONER'S
EXHIBIT

89-317-A
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
7th day of December, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner James G. Thompson, Jr.
Petitioner's Attorney

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204 2386
484-4300

Paul H. Reincke
Chief

December 29, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: James G. Thompson, Jr., et ux
Location: SW side of Willoughby Rd., 550' 3" from c/l of Avondale Road
Item No.: 213 Zoning Agenda: Meeting of 12/6/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at
EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Pat Keller* NOTED & APPROVED: *James E. Dyer*
Planning Group Fire Prevention Bureau
Special Inspection Division

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 31, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. James G. Thompson, Jr.
3321 Willoughby Road
Baltimore, MD 21234

RE: Item No. 213, Case No. 89-317-A
Petitioner: James G. Thompson, Jr., et ux
Petition for Zoning Variance

Dear Mr. Thompson:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt
Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(801) 887-3354

January 17, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 174, 192, 202, 204, 206, 208, 211, 212, 213, and 214.

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(801) 887-3354

J. Robert Haines
Zoning Commissioner

February 27, 1989

Mr. & Mrs. James G. Thompson, Jr.
3321 Willoughby Road
Baltimore, Maryland 21234

RE: PETITION FOR ZONING VARIANCE
SW/S Willoughby Road, 550' 3" N of the c/l of Avondale Road
(3321 Willoughby Road)
14th Election District - 6th Councilmanic District
James G. Thompson, Jr., et ux - Petitioners
Case No. 89-317-A

Dear Mr. & Mrs. Thompson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-1391.

Very truly yours,
Ann M. Nastarcowicz
ANN M. NASTARCOWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mrs. Patricia Schmitt
3322 Willoughby Road, Baltimore, Md. 21234

Mr. George Neophos
3320 Acton Road, Baltimore, Md. 21234

Ms. Rose Cross
3319 Willoughby Road, Baltimore, Md. 21234

People's Counsel

File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
TO: Zoning Commissioner Date: February 2, 1989

Pat Keller, Deputy Director
FROM: Office of Planning and Zoning

Zoning Petition Nos. 89-305-SPHIA (GR7 Ltd.); 89-308-SPH (Jefferson);
SUBJECT: 89-309-A (Snyder); 89-312-A (Williams); 89-317-A (Thompson); and
89-324-A (Servary)

The Office of Planning and Zoning has no comment on the above listed projects.

PK/ef

RECEIVED
FEB 2 1989
ZONING OFFICE